

Village of Irvington
Zoning Board of Appeals

Minutes of Meeting held July 25, 2000

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, July 25, 2000, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Robert L. Bronnes
Bruce E. Clark
George Rowe, Jr.

Mr. Lustenberger acted as Chairman and Mr. Rowe as Secretary of the meeting.

There were four matters on the agenda, one continuation and three new matters:

Continuations

2000-08 Miji Inaba - Fieldpoint Drive, Irvington, NY
 (Sheet 10F, Block 231, Lot 17)

New Matters

- 2000-12 Mr. & Mrs. John Cooper-Mullin - 20 Barney Park,
Irvington, NY (Sheet 5, Block 208, Lot 32)
- 2000-13 Northwest Neu Corp. (in contract) - Riverview
Road, Irvington, NY (Sheet 10C, Block 229, Lot
3A)
- 2000-14 John & Nina Dawson - 76 Hudson Avenue, Irvington,
NY (Sheet 10B, Block 232, Lot 1B)

Inaba

Applicant seeks here a variance which will permit him to leave exposed, rather than hidden by fill, the wall of a cellar at the rear of the house, and to utilize a cellar with more than 20% of livable space, each of which would constitute the cellar a "story", and the house a 3 story building in violation of the Code's proscriptions.

The applicant was represented by Richard Blancato and Chris Barnett, representing the builder, Residential Concepts and Designs.

Mr. Blancato and Mr. Barnett explained that one circumstance that rendered the cellar a story, i.e., the exposed wall could be eliminated by fill, which would then reduce the distance from the ground level to the ceiling of the cellar to less than the amount proscribed in the Code, but that would require doors and windows to open below

ground level, in trenches or pits, and would be architecturally undesirable and undesirable from a point of view of ease of use and utility. Mr. Barnett explained that applicant had obtained the approval of the Architectural Board of Review, provided that the area between the deck, which extends over the cellar wall, and ground level, would be properly and tastefully latticed. Mr. Blancato and Mr. Barnett had not recognized the problem as to the livable space of the basement, and requested that the variance be extended to cover that as well.

Mr. Barnett submitted detailed drawings of the front, side and back elevations of the house.

The Chairman noted the balancing of interests which need to be taken into account in the granting of the variance and moved that it be granted. The motion was duly seconded and unanimously approved.

Cooper Mullin

This matter was adjourned to either the August or September board meeting, a quorum being lacking on account of the refusal of Mr. Clark and Mr. Rowe.

Northwest Neu Corp.

Mr. John Neubauer appeared in support of the applicant. The applicant requests relief from the Resource Protection Ordinance. Mr. Neubauer explained that he is the proposed purchaser of the lot in question, the current owner being Mr. Theodoropoulos. Mr. Neubauer had submitted a memorandum to the Board, dated July 17, 2000, in which he explained that the subject lot had been held in a single and separate ownership since March 12, 1956 and that Mr. Theodoropoulos had owned it since 1986, before the adoption of the Resource Protection Ordinance (February 27, 1989). The subject lot is largely in the watershed, i.e. an area which abuts the Village reservoir, and comprised of slopes with grades in excess of those proscribed by the Ordinance to permit building. The Planning Board had determined the lot had a zero unit allowance. The memorandum reviews a series of opinions by the Board, in which relief from the Resource Protection Ordinance was granted. He referred particularly to the decision in the Greenwich Funding case.

In that case, as he pointed out, the Board granted permission to construct a residence on the lot involved there, on condition that steps be taken satisfactory to the Village consulting engineer which would ensure, mainly through the use of culverts and dry wells, that there would be no surface water runoff during construction or thereafter into the watershed area.

At the invitation of the Chairman, Mr. Ralph G. Mastromonaco, Village Consulting Engineer, was present at the hearing. In his opinion, expressed at the meeting, steps could be taken here, similar to those taken in the Greenwich Funding case, again mainly by use of culverts and dry wells, which would prevent a runoff of surface waters into the watershed area.

Mr. Neubauer submitted a site plan showing the proposed location of the house, and showing the areas of the lot with slopes greater than 25%, and slopes between 15% and 25%, on the watershed boundary.

The Board noted that absent a variance the lot would be unbuildable and valueless. The Board voted, Mr. Clark abstaining, to grant the variance sought, on

condition that the location of the residence, and the steps undertaken to prevent such a runoff, meet in all respects the requirements of the Consulting Village Engineer and the Building Inspector.

Dawson

Applicant here seeks to extend an existing non-conforming residence by adding a new 60 square-foot single story addition which will result in a sideyard setback of 6 feet 10 inches, against a 10 foot requirement. Mr. Dawson appeared in support of his application. He explained the need for the addition was occasioned by his increasing family, and the need for a larger kitchen. The applicant had submitted a site plan and drawings of the proposed addition. The Board noted that the present building does not meet sideyard requirements, and that the proposed addition would not be substantial.

Again, the Chairman, noting the factors which the Board is obliged to balance, moved that the application be granted. The motion was duly seconded and unanimously adopted.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

A handwritten signature in cursive script, reading "Geo Rowe". The signature is written in black ink and is positioned above a horizontal line.

George Rowe, Jr.